

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

RAFAEL A. JONES, SR.,

Petitioner,

-against-

MICHELLE HALLETT, *et al.*,

Respondents.

21-CV-5455 (LTS)

ORDER OF DISMISSAL

LAURA TAYLOR SWAIN, Chief United States District Judge:

Petitioner was incarcerated in the George R. Vierno Center (GRVC) when he filed this *pro se* petition under 28 U.S.C. § 2254. According to the New York City Department of Correction Inmate Lookup, however, Petitioner was released on June 15, 2021. By order dated June 28, 2021, the Court directed Petitioner to update his address within 30 days, and informed him that failure to comply would result in dismissal of the action without prejudice, under Rule 41(b) of the Federal Rules of Civil Procedure, for failure to prosecute. On June 29, 2021, the Clerk's Office mailed that order to Petitioner at GRVC, and on July 15, 2021, it was returned as undeliverable. Petitioner has not updated his address or otherwise communicated with the Court. Accordingly, the petition is dismissed without prejudice for failure to prosecute. *See* Fed. R. Civ. P. 41(b).

Because Petitioner makes no substantial showing of a denial of a constitutional right, a certificate of appealability will not issue. *See* 28 U.S.C. § 2253.

The Clerk of Court is directed to mail a copy of this order to Petitioner and note service on the docket.

The Court certifies under 28 U.S.C. § 1915(a)(3) that any appeal from this order would not be taken in good faith, and therefore *in forma pauperis* status is denied for the purpose of an appeal. *Cf. Coppedge v. United States*, 369 U.S. 438, 444-45 (1962) (holding that an appellant demonstrates good faith when he seeks review of a nonfrivolous issue).

SO ORDERED.

Dated: August 10, 2021  
New York, New York

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/s/ Laura Taylor Swain  
LAURA TAYLOR SWAIN  
Chief United States District Judge